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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
44342.011500

In Re Application Of: **Tohru FUSHIKI et al.**

MAY 10 2001

Serial No.

09/367,481

Filing Date

August 13, 1999

Examiner

S. Coe

Group Art Unit

1651

Invention: **ATHLETIC ENDURANCE INCREASING AGENT**

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Amendment with Remarks and Declaration under 37 C.F.R. 1.132

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

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3. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

MAY 15 2001

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4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

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Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,210.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: | <u>\$1,210.00</u> |

The fee of **\$1,210** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-1561**
- A duplicate copy of this sheet is enclosed.

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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Dated: May 10, 2001

Eugene C. Rzucidlo, Esq.
GREENBERG TRAURIG LLP
885 Third Avenue, 21st Flr.
New York, New York 10022
Attorney for Applicants
Reg. No. 31,900

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MAY 15 2001

OFFICE OF PETITIONS

I certify that this document and fee is being deposited on May 10, 2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Correspondence

Cindy Carneal

Typed or Printed Name of Person Mailing Correspondence

CC: